

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAHINAH IBRAHIM,

Plaintiff,

v.

DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

No. C 06-00545 WHA

REDACTED PUBLIC VERSION

**ORDER GRANTING IN PART
AND DENYING IN PART
MOTION TO COMPEL
PRODUCTION OF
UNCLASSIFIED DOCUMENTS
(DKT. NO. 515)**

On August 2 plaintiff filed a motion to compel production of documents withheld by the government on various privilege grounds (Dkt. No. 515). Subsequent orders and productions by the government narrowed the dispute to two classified documents withheld under the state secrets privilege and eight documents withheld under the law enforcement and sensitive security information privileges. These documents were submitted by the government for *in camera* review. A prior order denied plaintiff's motion to compel the two classified documents (Dkt. No. 539). *This order addresses the non-classified documents.* Specifically, plaintiff's motion to compel production of TSC UNCLASS PRIV ID 069 is **GRANTED**. Plaintiff's request to compel production of the remaining documents is **DENIED**.

Because a meaningful discussion of the compelled document requires disclosure of certain sensitive information, the complete version of this order shall be filed under seal. A redacted version shall be filed on the public docket.

1 **1. POST-2009 LAW ENFORCEMENT SENSITIVE INFORMATION.**

2 All of the documents in question (except for TSC UNCLASS PRIV ID 069) raise the
3 same issue: whether the government should be compelled to disclose documents regarding post-
4 2009 watchlist procedures that do not pertain expressly to plaintiff. An April 19 order upheld
5 the government's privilege assertion on this topic. Subsequent orders on plaintiff's recent
6 discovery motions have held that plaintiff has not provided a basis for reconsideration of the
7 April 19 ruling. This remains true today. Accordingly, plaintiff's request to compel such
8 information will again be **DENIED**.

9 The connection between the withheld post-2009 documents and the events that led
10 plaintiff to file suit in 2006 is attenuated. Nevertheless, this order is sympathetic to plaintiff's
11 contention that the withheld documents are relevant to her claims. It bears repeating that the
12 government will not be permitted to rely on these withheld documents in any way to defend this
13 action. The government, for its part, has confirmed that it agrees with this principle (Dkt. No.
14 541 at 1).


15 The withheld document FBI UNCLASS 2009 4 — titled, "An Updated Strategy for
16 Comprehensive Terrorist-Related Screening Procedures" — merits additional comment. The
17 face of the document is undated. The government, however, has submitted a sworn declaration
18 from the Director for Information Screening Policy in the Department of Homeland Security
19 Screening Coordination Office in support of its privilege assertion. The declarant avers that the
20 document was created in 2008 and that "the material within the report remains largely accurate
21 and relevant today. Accordingly, the threats associated with releasing this information are not
22 diminished by the difference in time." The threats associated with disclosure include
23 "identifying and circumventing screening processes" and identifying "specific screening
24 vulnerabilities," among others (Dkt. No. 537-2 ¶¶ 7–9). This order finds that the April 19 ruling
25 on post-2009 information applies with equal force to this document and that the government's
26 interest in withholding the document outweighs plaintiff's interest in disclosure. The motion to
27 compel production of this document is accordingly **DENIED**.

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IT IS SO ORDERED.


 WILLIAM ALSUP
 UNITED STATES DISTRICT JUDGE